IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928

Bail Appl..No. 280 of 2007()

CRIME NO.380/06 OF KOIPURAM POLICE STATION.

: PETITIONERS/ACCUSED NOS.1 AND 2 IN CR.NO.380/06

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1. LATHEEF, S/O IBRAHIM, AGED 28 YEARS,
RESIDING AT VELLIYAVEETTIL HOUSE,
KATTOOR PEETA MURI, CHERUKOLE VILLAGE,
RANNY TALUK.

2. GEORGE THOMAS, S/O. THOMAS,
AGED 29 YEARS, RESIDING AT THAKIDIPURATHU VEEDU,
MARAMON MURI, THOTTAPUZHASSERY VILLAGE,
THIRUVALLA TALUK.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.AJITH MURALI

RESPONDENT: COMPLAINANT IN CR.NO.380/06

STATE OF KERALA, REPRESENTED BY
THE PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.280 OF 2007

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DATED THIS THE 18th DAY OF JANUARY, 2007

O R D E R

Petitioners who are accused 1 and 2 in Crime No.380/06 of Koipuram Police Station for offences punishable under sections 20 and 21 of the Kerala River Bank Protection and Sand Mining Regulation Act, 2001 and section 3 of the Prevention of Damage to Public Property Act, seek anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that at about 8 PM on 15.11.2006, the Koipuram Police on suspicion seized two tempo vans parked at Parappuzha Kadavu of Pamba River. One of the vans was having full load of sand collected illicitly. The vans had also crossed the barricade put up prohibiting entry into the particular area of the river in question. The petitioners are alleged to have made good their escape on seeing the police party.

4. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioners should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioners surrender before the Magistrate concerned and file an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

V.RAMKUMAR, JUDGE

dsn